

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 ANDRE M. INGRAM

5 Plaintiffs,

6 v.

7 CLARK COUNTY SCHOOL DISTRICT, et
8 al.,

9 Defendants.

Case No. 2:18-cv-01939-GMN-DJA

10 **ORDER**

11 This matter is before the Court on Defendant Clark County School District's Motion to
12 Extend Discovery Deadlines (ECF No. 55), filed on August 2, 2019 and Motion to Compel
13 Plaintiff's Discovery Responses (ECF No. 56), filed on August 6, 2019. Any response opposing
14 the Motions were due on August 16, 2019 and August 20, 2019, respectively. No response has
15 been filed to date.

16 The Court notes that, on July 18, 2019, it recommended that Plaintiff's case be dismissed
17 without prejudice because he appears to have abandoned the case by not filing an amended
18 complaint. Defendant now requests a short 30 days extension of the current discovery deadlines
19 out of an abundance of caution while it awaits a decision on the Court's recommendation. (ECF
20 No. 55). In addition, Defendant seeks an order compelling Plaintiff to respond to its written
21 discovery including: First Set of Interrogatories pursuant to Fed.R.Civ.P. 33, which contain four
22 interrogatories and First Set of Requests for Production of Documents pursuant to Fed.R.Civ.P.
23 34, which contain thirteen requests. (ECF No. 56). Finally, Defendant seeks an order compelling
24 Plaintiff to appear for his properly noticed deposition pursuant to Fed.R.Civ.P. 30. (*Id.*).

25 Plaintiff has failed to file points and authorities in response to either motion, which
26 "constitutes a consent to the granting of the motion." LR 7-2(d). Moreover, the Court finds good
27 cause to grant the extension of the discovery for 30 days to permit Defendant to continue its
28 efforts to obtain the requested discovery. Likewise, the Court finds that Plaintiff's failure to

1 respond to Defendant's written discovery requests and appear for his properly noticed deposition
2 violative of the Federal Rules of Civil Procedure and warrants an order to compel. Rule 33
3 requires the responding party to serve its answers or any objections within 30 days after being
4 served with written interrogatories. Rule 34 requires a party upon whom document requests are
5 served to respond in writing within 30 days after being served with the requests. The "failure to
6 object to discovery requests within the time required constitutes a waiver of any objection."
7 *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir. 1992); *see also*
8 *Haddad v. Interstate Management Co., LLC*, 2012 WL 398764, * 1 (D. Nev. 2012) (same). Here,
9 Plaintiff has failed to object to Defendant's discovery requests within the period of time
10 prescribed by the Rules; therefore, Plaintiff has waived any right to object to the requests.
11 Plaintiff shall provide responses to Defendant's written discovery within 30 days of the Court
12 order, without objections. Additionally, Plaintiff shall appear for his deposition, to be properly
13 noticed by Defendant.

14 Finally, the Court denies without prejudice Defendant's request for attorneys' fees and
15 costs incurred in bringing the Motion to Compel (ECF No. 56). Plaintiff's complete failure to
16 participate in the discovery process, by not appearing for his deposition or responding to written
17 discovery, is not substantially justified. However, an award of fees may be unjust given the
18 Court's pending recommendation to dismiss this action. The denial of Defendant's request for
19 fees is without prejudice to be renewed to the extent the case proceeds and Plaintiff continues to
20 not participate in discovery.

21 IT IS THEREFORE ORDERED that Defendant Clark County School District's Motion to
22 Extend Discovery Deadlines (ECF No. 55) is **granted**.

23 IT IS FURTHER ORDERED that Defendant Clark County School District's Motion to
24 Compel Plaintiff's Discovery Responses (ECF No. 56) is **granted in part and denied in part**.

25 DATED: October 2, 2019

26 
27 DANIEL J. ALBRECHTS
28 UNITED STATES MAGISTRATE JUDGE